

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

APPEAL NO. 390 OF 2007

IN

NOTICE OF MOTION NO. 4232 OF 2006

IN

SUIT NO. 3384 OF 2006

Satishchand Sureshchandra Gupta & Anr...Appellants.
Versus
M/s.H.R.Constructions & Others..... Respondents.

Mr. R.D.Soni with Mr. A.R.Shaikh
for the Appellants.
Mr. J.Reis with Mr.Niranjan Pandit i/by
M/s.Tamhane & Co. for the Respondents.

-: ALONG WITH :-

APPEAL (Lodg.) NO. 430 OF 2007
IN
NOTICE OF MOTION NO. 4232 OF 2006
IN
SUIT NO. 3384 OF 2006

Liladhar Damodar Patil & Ors. Appellants.
Versus
M/s.H.R.Constructions & Others..... Respondents.

Mr.S.B.Prabhavalkar with Mr.Manoj P. Mhatre
for the Appellants.
Mr. J.Reis with Mr.Niranjan Pandit i/by
M/s.Tamhane & Co. for the Respondents.

**CORAM : SWATANTER KUMAR, C.J. &
SMT.RANJANA DESAI, J.**

DATED : 2ND JULY, 2007.

P.C.:

Learned Counsel appearing for the parties, during the course of hearing of the appeal, commonly agree that the order of injunction passed as an interim order during the pendency of the notice of motion be modified to the extent that parties would maintain status quo in regard to possession and construction as of today. They further submit that the learned Single Judge be requested to expedite the hearing of the suit.

2. We find the request made jointly by the parties to be just and reasonable. The order under appeal is modified but for the reasons recorded in the judgment impugned that parties shall maintain status quo in regard to possession and construction as of today till the conclusion of the suit. This order is without prejudice to the rights and contentions of the parties and the observations made in the order under appeal obviously will have no effect on the merits of the suit.

3. We further request the learned Single Judge to expedite the hearing of the suit.

4. Both the appeals are disposed of, accordingly.
5. Parties to bear their own costs.

Sd/-

CHIEF JUSTICE

Sd/-

SMT.RANJANA DESAI, J.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
NOTICE OF MOTION NO. 2183 OF 2007
IN
APPEAL NO. 390 OF 2007
IN
NOTICE OF MOTION NO. 4232 OF 2006
IN
SUIT NO. 3384 OF 2006

Satishchand Sureshchandra Gupta & Anr...Appellants.
Versus
M/s.H.R.Constructions & Others..... Respondents.

Mr. R.D.Soni with Mr. A.R.Shaikh
for the Appellants.
Mr. J.Reis with Mr.Niranjan Pandit i/by
M/s.Tamhane & Co. for the Respondents.

**CORAM : SWATANTER KUMAR, C.J. &
SMT.RANJANA DESAI, J.**

DATED : 2ND JULY, 2007.

P.C.:

In view of the disposal of the appeal itself,
this notice of motion does not survive and is disposed
of as such.

Sd/-

CHIEF JUSTICE

Sd/-

SMT.RANJANA DESAI, J.